

UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF NEW YORK
ROCHESTER DIVISION

In re: ELROY CLARK, JR.

Case No. 16-21360-PRW
Chapter 13

Debtor(s).

NOTICE OF MOTION

PLEASE TAKE NOTICE that a hearing will be held before the Honorable Paul R. Warren,
Bankruptcy Judge, on:

January 19, 2017 at 10:00 am
United States Bankruptcy Court
1550 U.S. Courthouse
100 State Street
Rochester, NY 14614

to consider the motion filed by the Chapter 13 Trustee, George M. Reiber, seeking (1) dismissal
of the above entitled case and (2) such other and further relief as the Court may deem just and
proper.

DATED **January 3, 2017**
Rochester, NY

/s/ _____
George M. Reiber
Chapter 13 Trustee
3136 S. Winton Road
Rochester, NY 14623
(585) 427-7225

NOTICE REGARDING ADJOURNMENT POLICY:

Please be advised the Trustee will NOT consent to adjourn this motion unless 1) opposition is timely filed; or 2) an agreement to adjourn between the parties is reached on or before three (3) business days prior to the motion's return date and filed with Court. Ultimately all adjournments are granted at the discretion of the Court.

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MOTION TO DISMISS AND SUPPORTING STATEMENT

George M. Reiber, Chapter 13 Trustee, moves this Court to dismiss the above entitled case pursuant to F.R.B.P. 1017 and 11 U.S.C. § 1307 for Debtor's failure to (*choose all that apply:*)

 X file schedules, statements and/or other required documents within 14 days of the filing of the bankruptcy petition as required by F.R.B.P. 1007.

 X file a plan with or within 14 days of the bankruptcy petition filing as required by F.R.B.P. 3015(b), and 11 U.S.C. §1307 (c) (3).

 file a Statement of Pre-Confirmation Adequate Protection ("Statement") within 14 days of the filing of the petition as required by the Standing Order of this Court dated October 12, 2005.

 file payment advices or other evidence of payment received within 45 days of filing the bankruptcy petition as required by 11 U.S.C. §§ 521(a)(1)(B)(iv) and 521(i)(1).

In support of this motion, the Trustee alleges as follows:

1. On or about **December 12, 2016**, Debtor filed a petition initiating a case under chapter 13 of the Bankruptcy Code.
2. Said petition was incomplete. Remaining documents were due on or before **December 26, 2016**.
3. Upon information and belief, Debtor has not applied, nor been granted by this Court, any extension of time to file the above documents.

4. Upon information and belief, as of January 2, 2017, Debtor has not filed or otherwise provided the above documents.

5. Upon information and belief, this case has not been previously converted to or from another Chapter.

WHEREFORE, the Trustee respectfully requests this Court:

A. to dismiss the above entitled case for the reasons set forth above; and

B. to grant any other relief as the Court deems just and proper.

DATED **January 3, 2017**
Rochester, NY

/s/
George M. Reiber
Chapter 13 Trustee
3136 S. Winton Road
Rochester, NY 14623
(585) 427-7225

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CERTIFICATE OF SERVICE

Certificate of service by mail of *hah*, /s/ _____ Clerk. Copies of the Motion and Notice were personally mailed by me on **January 3, 2017** to:

Elroy Clark, Jr
43 West High Terrace
Rochester, NY 14619

Pro-se debtor, acting as own attorney

Office of the United States Trustee
100 State Street, Room 6090
Rochester, NY 14614